

11/30/01

Gau 3725



Alfred M. Walker

Attorney at Law

225 Old Country Road
Melville, New York 11747-2712
Tel No. (631) 361-8737
Fax No. (631) 361-8792

November 27, 2001

Commissioner of Patents
Attn: US Patent & Trademark Office
PO BOX 2327
Arlington, VA 22202

RECEIVED
DEC - 4 2001
700 MAIL ROOM

Applicant: Robert Grosz
Serial No. 09/521,015
Filed: March 7, 2000
For: THIN WALLED, SILVER FILLED GOLD JEWELRY
Examiner: David Jones
Group Art Unit: 3725

Dear Sir: -

Enclosed please find Amendment.

Certificate of Mailing.

Please acknowledge receipt on the enclosed postcard.

Respectfully submitted,

Alfred M. Walker
Reg. No. 29,983

PAT27

I certify that this correspondence is being deposited with
the United States Postal Service as Express Mail No.: *EL 798606485 US*
in an envelope addressed to the US Patent and Trademark
Office, PO BOX 2327, Arlington, VA 22202 on the date
indicated below.
Date: November 28, 2001

Jackie Percan

A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Enrison
12-5-01
#7/Amot
A

APPLICANT: Robert Grosz
SERIAL NO.: 09/521,015
FILED: March 7, 2000
EXAMINER: David Jones
GROUP ART UNIT: 3725
MAILING DATE OF ACTION: August 29, 2001
TITLE: THIN WALLED, SILVER FILLED GOLD JEWELRY

RECEIVED
DEC-4 2001
ETC 3700 MAIL ROOM

AMENDMENT IN RESPONSE TO FIRST OFFICE ACTION

In response to the Office Action dated August 29, 2001,
Applicant amends the application as follows:

IN THE CLAIMS:

Kindly cancel Claims 1 and 38.

Please amend Claim 2-6 and 14-37 and 39-41 as follows,
which constitutes a marked-up copy thereof:

2. (Amended) [The] A solid tubular gold jewelry wire
item [of Claim 1] comprising a longitudinally extending outer
layer of gold and a longitudinally extending inner core of a
precious metal, wherein said jewelry wire item has a wall
thickness of [wherein further said predetermined thickness of
said gold outer layer is] from a minimum wall thickness of

Q

about .0001 inch to a maximum wall thickness of about .002 [inches] inch in thickness.

3. (Amended) The solid tubular gold jewelry wire item of Claim 2 wherein further said predetermined thickness of said gold outer layer is from about .0001 inch to about .001 [inches] inch thick.

4. (Unchanged) The solid tubular gold jewelry wire item of Claim 2 wherein further said inner core comprises a precious metal alloy.

5. (Unchanged) The solid tubular gold jewelry wire item of Claim 2 wherein further said inner core comprises silver.

6. (Amended) The solid tubular gold jewelry wire item of Claim [1] 2 wherein further said core is securely bonded to said gold outer layer.

14. (Unchanged) The solid tubular gold jewelry wire item of Claim 5 wherein said item is a chain.

15. (Unchanged) The solid tubular gold jewelry wire item of Claim 5 wherein said item is a rope chain.

16. (Unchanged) The solid tubular gold jewelry wire item of Claim 5 wherein said item is a diamond cut chain.

17. (Unchanged) The solid tubular gold jewelry wire item of Claim 5 wherein said item is a diamond cut rope chain.

18. (Amended) The solid tubular gold jewelry wire item of Claim [1] 2 wherein said item is an earring.

19. (Amended) The solid tubular gold jewelry wire item of Claim [1] 2 wherein said item is a diamond cut earring.

20. (Amended) The solid tubular gold jewelry wire item of Claim [1] 2 wherein said item is a bangle.

21. (Amended) The solid tubular gold jewelry wire item of Claim [1] 2 wherein said item is a diamond cut bangle.

22. (Amended) A solid tubular gold jewelry wire item having an outer precious metal layer with a minimum wall thickness of from .0001 inch to a maximum wall thickness of about .002 inch thickness, and an inner solid precious metal rod core, produced by the process of:

a) feeding at ambient temperature a solid precious metal rod core into an open longitudinally extending precious metal outer tube;

b) closing said open longitudinally extending precious metal tube;

c) feeding said open longitudinally extending precious metal tube having said solid precious metal rod core through a wire drawing die at ambient temperature;

d) reducing its thickness and pressure;

e) taking said precious metal core to said precious metal tube; and,

thereby creating a solid wire comprised of said outer precious metal layer in a secure adhesive contact with said precious metal rod core.

23. (Amended) A solid tubular gold jewelry wire item comprising a solid longitudinally extended outer layer of a

precious metal and a solid longitudinally extended inner core of a soft precious metal soldered to the outer layer, wherein said jewelry wire item has a wall thickness of a minimum wall thickness of from about .0001 inch to a maximum wall thickness of no greater than [.004] .002 inch in thickness.

24. (Unchanged) The solid tubular jewelry item of claim 23 where the said soft precious metal inner core is a tube.

25. (Unchanged) The solid tubular jewelry item of claim 23 wherein said item is a chain.

26. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a rope chain.

27. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a diamond cut chain.

28. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a diamond cut rope chain.

29. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is an earring.

30. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a diamond cut earring.

31. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a bangle.

32. (Unchanged) The solid tubular gold jewelry wire item of Claim 23 wherein said item is a diamond cut bangle.

33. (Unchanged) The solid jewelry item of Claim 23 wherein said outer layer is gold.

34. (Unchanged) The solid jewelry item of Claim 23 wherein said outer layer is platinum.

35. (Unchanged) The solid jewelry item of Claim 23 wherein said inner layer is gold.

36. (Unchanged) The solid jewelry item of Claim 23 wherein said inner layer is silver.

37. (Amended) A solid gold jewelry item comprising an outer layer of gold and a solid inner layer of a soft precious metal joined to said outer layer, wherein said gold jewelry item includes said outer layer of gold with a wall thickness of from a minimum wall thickness of about .0001 inch to no greater than a maximum wall thickness of about [.004] .002 [inches] inch.

39. (Unchanged) The solid gold jewelry item of Claim 37 wherein said item is a flat plate stamped to a predetermined shape.

40. (Unchanged) The solid gold jewelry item of Claim 39 wherein said item is an earring piece.

41. (Unchanged) The solid gold jewelry item of Claim 39 wherein said item is a bracelet charm.

A clean copy thereof is as follows:

A1 2. A solid tubular gold jewelry wire item comprising a longitudinally extending outer layer of gold and a longitudinally extending inner core of a precious metal, wherein said jewelry wire item has a wall thickness of from a minimum wall thickness of about .0001 inch to a maximum wall thickness of about .002 inch in thickness.

2 3. The solid tubular gold jewelry wire item of Claim 2¹ wherein further said predetermined thickness of said gold outer layer is from about .0001 inch to about .001 inch thick.

4. The solid tubular gold jewelry wire item of Claim 2 wherein further said inner core comprises a precious metal alloy.

5. The solid tubular gold jewelry wire item of Claim 2 wherein further said inner core comprises silver.

A2 9X8 6. The solid tubular gold jewelry wire item of Claim 2¹ wherein further said core is securely bonded to said gold outer layer.

14. The solid tubular gold jewelry wire item of Claim 5 wherein said item is a chain.

15. The solid tubular gold jewelry wire item of Claim 5 wherein said item is a rope chain.

16. The solid tubular gold jewelry wire item of Claim 5 wherein said item is a diamond cut chain.

17. The solid tubular gold jewelry wire item of Claim 5 wherein said item is a diamond cut rope chain.

10 ~~18~~ 18. The solid tubular gold jewelry wire item of Claim ~~2~~ 1 wherein said item is an earring.

11 ~~19~~ 19. The solid tubular gold jewelry wire item of Claim ~~2~~ 1 wherein said item is a diamond cut earring.

12 ~~20~~ 20. The solid tubular gold jewelry wire item of Claim ~~2~~ 1 wherein said item is a bangle.

13 ~~21~~ 21. The solid tubular gold jewelry wire item of Claim ~~2~~ 1 wherein said item is a diamond cut bangle.

14 ~~22~~ 22. A solid tubular gold jewelry wire item having an outer precious metal layer with a minimum wall thickness of from .0001 inch to a maximum wall thickness of about .002 inch thickness, and an inner solid precious metal rod core, produced by the process of:

a) feeding at ambient temperature a solid precious metal rod core into an open longitudinally extending precious metal outer tube;

b) closing said open longitudinally extending precious metal tube;

c) feeding said open longitudinally extending precious metal tube having said solid precious metal rod core through a wire drawing die at ambient temperature;

d) reducing its thickness and pressure;

e) taking said precious metal core to said precious metal tube; and,

thereby creating a solid wire comprised of said outer precious metal layer in a secure adhesive contact with said precious metal rod core.

15 ~~16~~ ~~23~~ A solid tubular gold jewelry wire item comprising a solid longitudinally extended outer layer of a precious metal and a solid longitudinally extended inner core of a soft precious metal soldered to the outer layer, wherein said jewelry wire item has a wall thickness of a minimum wall thickness of from about .0001 inch to a maximum wall thickness of no greater than .002 inch in thickness.

14 ~~24~~ The solid tubular jewelry item of claim ~~23~~ where the said soft precious metal inner core is a tube.

16 ~~25~~ The solid tubular jewelry item of claim ~~23~~ wherein said item is a chain.

19 ~~26~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is a rope chain.

16 ~~27~~ ~~20~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is a diamond cut chain.

16 ~~28~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is a diamond cut rope chain.

16 ~~29~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is an earring.

16 ~~30~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is a diamond cut earring.

16 ~~31~~ The solid tubular gold jewelry wire item of Claim ~~23~~ wherein said item is a bangle.

25

32. The solid tubular gold jewelry wire item of Claim 23 wherein said item is a diamond cut bangle.

33. The solid jewelry item of Claim 23 wherein said outer layer is gold.

34. The solid jewelry item of Claim 23 wherein said outer layer is platinum.

35. The solid jewelry item of Claim 23 wherein said inner layer is gold.

36. The solid jewelry item of Claim 23 wherein said inner layer is silver.

29 30 37. A solid gold jewelry item comprising an outer layer of gold and a solid inner layer of a soft precious metal joined to said outer layer, wherein said gold jewelry item includes said outer layer of gold with a wall thickness of from a minimum wall thickness of about .0001 inch to no greater than a maximum wall thickness of about .002 inch.

39. The solid gold jewelry item of Claim 37 wherein said item is a flat plate stamped to a predetermined shape.

40. The solid gold jewelry item of Claim 39 wherein said item is an earring piece.

41. The solid gold jewelry item of Claim 39 wherein said item is a bracelet charm.

REMARKS

The Office Action of August 29, 2001 and the British reference no. GB2042943A of Gibbons and Flynn cited therein have been carefully considered and, in view of the amendments herein to the claims and the following representations, reconsideration of the application in its present form is respectfully requested.

In view of the amendment herein of Claims 2,3,6, 18-23 and 37 it is respectfully submitted that the pending Claims 1-6 and 14-41 more particularly point out distinctly claim the article of manufacture of the present invention, namely, for a solid tubular gold jewelry wire item including a longitudinally extending outer layer of gold from a minimum wall thickness of about .0001 inch to a maximum wall thickness of about .002 inch in thickness, wherein the jewelry wire item has an inner core of a precious metal, such as silver.

Concerning the objection to the specification as failing to provide antecedent basis for the particular ranges noted in the Claims, the Claims have been amended to recite a maximum wall thickness for the outer gold layer being no less than about .0001 inch in wall thickness to a maximum of about .002 inch in wall thickness.

Such a limitation in range is disclosed in the specification at page 8, lines 13-15 and at page 12, lines 4-7 therein.

With respect to the substantive prior art rejections under 35 USC 102(b) and 35 USC 103(a), based on the British patent no. GB 2042943A of Gibbons and Flynn, in view of the amendments herein to Claims 2,3, 6, 18-23 and 37, it is respectfully submitted that the rejection of Claims 2-6 and 14-41 as being unpatentable over the Gibbons and Flynn should be now withdrawn.

For example, as amended, the present invention comprises a silver filled gold jewelry wire item includes an inner precious metal core, such as silver, and an outer gold layer, wherein the outer gold layer has a predetermined thickness of from about .0001 inch to about .002 inch, which is much thinner than durable hollow wires of at least .003 inch in thickness or greater disclosed in Gibbons and Flynn.

In contrast to the amended Claims of the present invention, which recite no more than a maximum thickness of about .002 inches, the cited reference of Gibbons And Flynn teaches a thickness of at least .003 inches (0.076 mm), as noted in the Abstract therein and in the specification therein at column 1, lines 64-68, column 2, lines 62-66, column 2, lines 72-79, and column 3, lines 82-87, wherein it is stated:

"The minimum thickness should not fall below the value of 0.003 inch (0.076mm) so as to insure that it will not be disrupted when the material is worked to form jewellery".

Therefore, the Gibbons and Flynn reference does not anticipate the amended Claims herein.

The Gibbons and Flynn reference was discussed in the prosecution history of Applicant's related parent patent application filed under serial no. 09/100,276 of June 19, 1998 which issued as Applicant's U.S. Patent # 6,092,358 for Thin Walled, Silver Filled Gold Jewelry.

The Gibbons and Flynn reference refers to a tubular material formed around a silver core and which is drawn subsequently to the final size or a solid gold tube to be drilled and then filled with silver. The Gibbons and Flynn patent also mentions the possibility of utilizing a silver core silver solder filling for the composite.

In contrast, the present application of Applicant continuation has nothing to compare with the Gibbons and Flynn reference. Applicant's purpose of utilizing the silver solder layer between the silver core and the gold plate is a completely different procedure technologically and with a different purpose and result. The purpose is to achieve the range of .002 inch and smaller for the thickness of an outer layer of the gold for the final product.

As noted before, this range of thickness of no more than about .002 inch is impossible to be achieved with the Gibbons and Flynn patent, which discloses a practical range wall thickness of at least .003 inch (0.076 mm), which is definitely thicker than the .002 inch thickness of amended Claim 2 herein and the preferred .001 inch wall thickness of Claim 3 of the present invention.

Simply using a wall thickness of about .002 inch with a gold covered wire whether similar or not, would therefore not provide any expectation of success, unless such thickness were thoroughly evaluated.

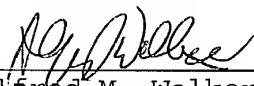
In fact, the problems disclosed by Gibbons and Flynn in connection with a wire with an outer gold layer of less than .003 inch, would teach away from its likelihood of success, or at most offer an invitation to experiment, which is not the basis under the law for a claim of obviousness.

Therefore, in light of the amended Claims herein, the rejections of the Claims under 35 USC 102(b) and under 35 USC 103 should now be withdrawn.

Applicant submits that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully submitted,

Dated: November 28, 2001



Alfred M. Walker
Attorney for Applicant
Reg. No. 29,983

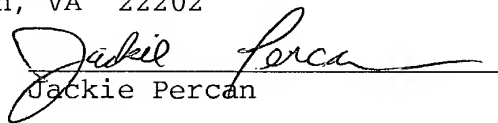
225 Old Country Road
Melville, NY 11747-2712
(631) 361-8737
pat4

Certificate of Mailing

I hereby certify that the attached correspondence is
being deposited with the United States Postal Service as
Express Mail No.EL795606485US in an envelope addressed to:

Commissioner of Patents
U.S. Patent & Trademark Office
Attn: PO BOX 2327
Arlington, VA 22202

on November 28, 2001


Jackie Percan